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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,968	03/22/2000	Jacques Jolly	Q58469	8709

23373 7590 11/29/2001

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EXAMINER

HOFFMANN, JOHN M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 11/29/2001

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/532,968

Applicant(s)

JOLLY ET AL.

Examiner

John Hoffmann

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the term "i.e." (line 1, claim 1) and that which follows are suppose to modify the rest of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Campion EP 0831070.

US Patent 5979189 is relied upon to understand the invention of Campion, since English is a better language for the Office to read. Both documents are based on the same French patent application.

The first 17 lines of the claim are directed to the apparatus that the preform is in; Campion clearly shows this. The requirement of the method begin at line 18. Col. 3, line 55 to col. 4. line 2, disclose the preform being cut. The preform is made of layers of glass, see col. 2, 37-44. The cutting of the preform reduces the length of at least one layer; this is the "interposing" of a one-ended reduction.

It is noted that there is no conjunction separating the "during..." phrase of lines 19-20 from the "while..." phrase of lines 21-29. Nor is there any implied conjunction. Thus of all possible/reasonable conjunctions, "or" is the broadest; therefore, the broadest reasonable interpretation of the claim requires interpreting an "or" between the two clauses (i.e. after "layers" of line 20). Campion meets the "during..." clause. The Campion length reduction occurs during a pass, because the burner is moved (i.e. passed) to the location of the cut. In Applicant's invention the reduction occurs at the end of a pass also. As to the starting from one of the intermediate layers, the Campion cutting starts with all the layers at substantially the same time, because the layers cannot be pulled separately (see col. 3, lines 55-56).

As to lines 29-34: all of the thicknesses of the Campion preform are limited by the level set by the layer deposited immediately prior to the one-ended reduction because the preform thickness are kept constant during the reduction - except for where the preform is cut. Specifically, feature 9 is the one end piece, the opposite end of the preform is the other end piece and any remaining section of the preform in the limited length preform zone.

Claim 2: the separation clearly occurs after all of the layers are made. The number of layers is predetermined by the actual number of layers which are made.

Claim 5 the linear relationship is the direction of the preform axis - it stays in a linear direction, i.e. it doesn't curve - this extends to all layers - included the first deposited one.

Claim 6, the non-linear decreasing relationship is the diameter of the preform, when one gets near section 10, the diameter of the preform and the layers decreases in a non-linear fashion. This would occur with each layers, including the end.

Claims 7-8 are clearly met.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 rejected under 35 U.S.C. 103(a) as being unpatentable over
Campion.

Claims 3-4 would have been obvious depending upon how much fiber was desired, and thus the size of the preform made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

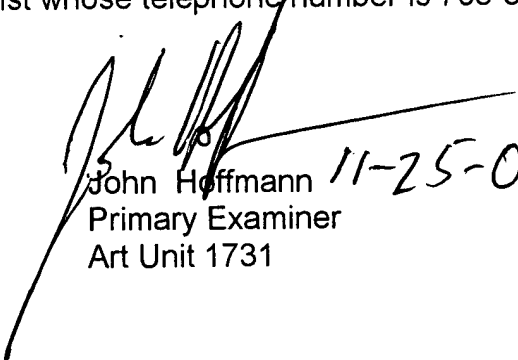
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Abbott is cited as having a long pass followed by a short pass. Evans is cited as being of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is 703-308-0469. The examiner can normally be reached on Monday, Tuesday, Wednesday, Thursday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stan Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


John Hoffmann
Primary Examiner
Art Unit 1731

11-25-01

jmh
November 25, 2001